

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD) (FM)
ECF Case

This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., 02-CV-6977 (GBD)(FM)

James P. Kreindler, Esq., hereby states under penalty of perjury that:

1. I am an attorney representing the *Ashton* plaintiffs in the above-captioned litigation.

I submit this declaration in support of the motion to vacate and grant a corrected final judgment for compensatory and punitive damages for conscience pain and suffering as to Thomas Hughes Only and to grant in its place a corrected final judgment to the Estate of Timothy Hughes. The original judgment is MDL ECF No. 3226, filed March 8, 2016 at p. 5 line 307. We make this request to correct an error in listing decedent Timothy Hughes, who was killed in the terrorist attacks on September 11, 2001, as Thomas Hughes.

2. The Estate of Timothy Hughes was correctly identified in the original complaint (02-cv-6977, ECF No. 465 filed September 3, 2005 at p. 29) and no Estate of Thomas Hughes is part of the *Ashton* action. This is also confirmed by the fact that the 9/11 decedent's name was listed correctly in the motion for solatium damages for his family members. *See* MDL ECF No. 4880, filed August 15, 2019 at p. 15 lines 428 - 31.

3. We believe that there was a typographical error while preparing the original judgment (MDL ECF No. 3226) and we have now confirmed that the 9/11 decedent's name was incorrect in the original judgment. This error was identified after further investigation that has been part of the process of reviewing all supporting documentation prepared for the United States

Victims State Sponsored Terrorism Fund. The attached Exhibit A and a corrected proposed order reflects the correct name of the 9/11 decedent.

4. The source of my information and the basis for my belief in the statements contained herein is my personal involvement in this matter, my firm's representation of the *Ashton* plaintiffs in connection with the September 11th litigation against the airline defendants, other court records relating to the multi-district litigation to which the *Ashton* plaintiffs are parties and conversations had with family members to the *Ashton* plaintiffs. Any matters about which I lack personal knowledge are asserted herein upon information and belief.

5. Accordingly, I respectfully request that the Court vacate the judgment granted on March 8, 2016 to the Estate of Thomas Hughes only, (MDL ECF No. 3226, filed at p. 5 line 307), leaving all judgments appearing on MDL ECF No. 3226 undisturbed, and in its place grant the proposed order to correct an error in listing decedent Timothy Hughes, who was killed in the terrorist attacks on September 11, 2001, as Thomas Hughes.

Dated: May 18, 2020
New York, NY

/s/ James P. Kreindler
James P Kreindler, Esq (7084)
KREINDLER & KREINDLER LLP
750 Third Ave, 32nd Fl
New York, NY 10017
(212) 973 – 8181
Counsel for *Ashton* Plaintiffs